WDREF, APPEAL, CLMAGT, JNTADMN

U.S. Bankruptcy Court California Northern Bankruptcy Court (San Francisco) Bankruptcy Petition #: 19-30088

Date filed: 01/29/2019 *Plan confirmed:* 06/20/2020 Assigned to: Judge Dennis Montali 341 meeting: 04/29/2019 Deadline for filing claims: 10/21/2019 Chapter 11 Voluntary Deadline for filing claims (govt.): 10/21/2019 Asset

Debtor PG&E Corporation 77 Beale Street P.O. Box 770000 San Francisco, CA 94177 SAN FRANCÍSCO-CA (929) 333-8977 Tax ID / EIN: 94-3234914

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TERMINATED: 04/01/2020

Filing Date	#	Docket Text
12/14/2021	11706	Order Denying Motion Reconsideration By William F. Weidman, III (Related Doc # <u>11596</u>) (lp) (Entered: 12/15/2021)
01/18/2022	11835	Notice of Appeal and Statement of Election, Fee Amount \$ 0.00. (RE: related document(s)11706 Order Denying Motion Reconsideration). Appellant Designation due by 2/3/2022. Transmission of Record to District Court due by 2/17/2022. Statement of Issues due by 2/3/2022. Filed by Creditor William F. Weidman III NOTE: Filing not paid. (dc) (Entered: 01/19/2022)
01/19/2022	11836	Deficiency Letter Regarding (RE: related document(s)11835 Notice of Appeal and Statement of Election, Fee Amount \$ 0.00. (RE: related document(s)11706 Order Denying Motion Reconsideration). Appellant Designation due by 2/3/2022. Transmission of Record to District Court due by 2/17/2022. Statement of Issues due by 2/3/2022. Filed by Creditor William F. Weidman III NOTE: Filing not paid. (dc)). Filed by Creditor William F. Weidman III (dc) Additional attachment(s) (Certificate of Service) added on 1/19/2022 (dc). (Entered: 01/19/2022)
01/20/2022	11837	Courts Certificate of Mailing. Number of notices mailed: 5 (RE: related document(s)11706 Order Denying Motion Reconsideration, 11835 Notice of Appeal and Statement of Election). (dc) (Entered: 01/20/2022)

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Entered on Docket December 15, 2021

EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: December 14, 2021

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Clevino Montale.

DENNIS MONTALI U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

In re:)	Bankruptcy Case
)	No. 19-30088-DM
PG&E CORPORATION,)	
)	Chapter 11
- and -)	
)	Jointly Administered
PACIFIC GAS AND ELECTRIC COMPANY,)	
)	
Reorganized Debtors.)	
)	
☐ Affects PG&E Corporation)	
☐ Affects Pacific Gas and)	
Electric Company)	
Affects both Debtors)	
M Allects both bebtols)	
* All papers shall be filed in)	
)	
the Lead Case, No. $19-30088$ (DM).	·)	

ORDER DENYING MOTION FOR RECONSIDERATION BY WILLIAM F. WEIDMAN, III

On September 30, 2019, Mr. William F. Weidman, III ("Claimant") filed proof of claim # 10281 (the "Claim") in the amount of \$50,000,000.

On August 19, 2021, the Reorganized Debtors ("Debtors") filed their One Hundred Second Omnibus Objection to Claims (No Legal Liability Claims) ("Objection") (Dkt. 11120), alleging in

part that the events underlying Mr. Weidman's Claim were timebarred by California's two-year statute of limitations on personal injury claims.

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On September 10, 2021, Claimant timely filed an Opposition to Notice of the Reorganized Debtors' One Hundred Second Omnibus Objection to Claims (No Legal Liability Claims) (Dkt. 11239).

The Court held a hearing on the matter on September 29, 2021. On October 6, 2021, the Court entered an Order Disallowing Proof of Claim # 10281 Filed by William F. Weidman, III ("Order") (Dkt. 11381). Between October 19, 2021 and November 16, 2021, the Court granted multiple extensions of time to the Claimant to file a motion for reconsideration of the Order (Dkts. 11446, 11513, 11584).

On November 17, 2021, the Claimant filed a Petition for Reconsideration ("Motion") (Dkt. 11596). On November 19, 2021, the Court entered an Order Regarding Motion for Reconsideration (Dkt. 11602), directing Debtors to respond to the Motion. On December 10, 2021, Debtors filed an Opposition to Motion for Reconsideration of William F. Weidman III (Dkt. 11688). For the reasons discussed below, the Court DENIES the Motion. The Claim shall remain disallowed in its entirety.

"A claim that has been allowed or disallowed may be reconsidered for cause. A reconsidered claim may be allowed or disallowed according to the equities of the case." 11 U.S.C. § 502(j). In the Ninth Circuit, a motion for reconsideration of an allowed or disallowed claim shall be considered pursuant to Fed. R. Civ. Pr. 59 if the motion is filed within the applicable appeal period, and pursuant to Fed. R. Civ. Pr. 60 if the motion

is filed after the applicable appeal period but within a reasonable amount of time. United Student Funds, Inc. v. Wylie (In re Wylie), 349 B.R. 204, 209 (B.A.P. 9th Cir. 2006).

Claimant's first request for an extension of time fell within the fourteen-day appeal period of entry of the Order. Neither the requests for extension of time, nor the Motion itself, clarifies whether the Motion seeks reconsideration under Rule 59 or Rule 60. Because the Motion itself falls outside of the applicable appeal period, the Court reviews Claimant's Motion under Rule 60.

Under Rule 60(b), a court may reconsider or reverse its own prior judgment in several specific circumstances, which are

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;

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- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

Fed. R. Civ. Pro. 60(b). Claimant's Motion does not set forth any of the above-stated circumstances, though Claimant may feel that his arguments present "any other reason that justifies relief." Claimant reiterates his legal argument that the California statute of limitations does not apply to his claim, or in the alternative, because Debtors were aware of his worker's compensation lawsuit against other parties while

California's statute of limitations ran, his claim against Debtors does not fall outside that time limitation.

The Court's view on the law regarding the applicability of California's statute of limitations has not changed. As the prior Order made clear, the Supreme Court has clarified that the reference point for causes of action due to nuclear energy related injuries caused by incidents other than "extraordinary nuclear occurrences" is state law. See Silkwood v. Kerr-McGee Corp., 464 U.S. 238 (1984). Because Claimant's injuries stem from his employment, his injuries were not caused by an "extraordinary nuclear occurrence" and California's two-year statute of limitations on personal injury claims applies.

While Claimant may have contacted Debtors as part of discovery in his lawsuit against other entities, no evidence has been presented that Claimant filed a lawsuit against Debtors within the applicable statute of limitations. It is not enough that Debtors may have known about a worker's compensation lawsuit against other parties, such notice did not toll the statute of limitations, nor did it bring the basis of the Claim within the bounds of the statute of limitations.

Accordingly, the Court DENIES the Motion. The Claim shall remain disallowed in its entirety.

END OF ORDER

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¹ The Court notes that an analysis of Claimant's arguments pursuant to Rule 59(a) yields the same conclusion: Claimant's legal and factual arguments have been settled by the prior Order, and no grounds have been raised for reconsideration.

COURT SERVICE LIST

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-5-

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3	Benson, Maryland 21018 Telephone: 410-917-6822					
4	Creditor in Pro Per	JAN 18 2022 6				
5		U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF CALIFORNIA				
6						
7						
8	UNITED STATES I	BANKRUPTCY COURT				
9						
10	NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION					
11	DAIN LIGHTY	LISCO DIVISION				
12	In re:	Dentempter County 10 00000 mg				
13	PG&E CORPORATION) Bankruptcy Case No. 19-30088 (DM)) Chapter 11				
14	-and —	(Lead Case)(Jointly Administered)				
15	PACIFIC GAS AND ELECTRIC	NOTICE OF APPEAL AND STATEMENT OF ELECTION				
16	COMPANY,) United States Bankruptov Court				
17	Debtors,	 United States Bankruptcy Court Courtroom 17, 16th Floor San Francisco, CA 94102 				
18	Affects both Debtors)				
19	 All papers shall be filed in the Lead Case No. 19-30088 (DM). 					
20						
21						
22		,				
23	COMES NOW Creditor Was E W. 1					
1.4 11	COMES NOW Creditor Wm. F. Weidman, I					
25	MOTION FOR RECONSIDERATION BY WILLIAM F. WEIDMAN, III filed December					
II.	14, 2021 and entered on Docket December 15, 2021.					
27	///					
28	///					
	Chaditan No YVV					
Ħ	Creditor Name: Weidman, III, Wm. F.					

1	App	ellant elects to have the a	opeal heard by the United States Division		
2	Appellant elects to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel pursuant to 28 U.S.C. Section 158(c)(f).				
3	and of the	Dankiupicy Appenate Pa	anel pursuant to 28 U.S.C. Section 158(c)(f).		
4	DATED:	January 15, 2022	Respectfully submitted,		
5					
6			Wm. F. Weidman, III, Creditor Assigned No. 10281		
7			Mars Andre		
8			BY: WILLIAM WEIDMAN III		
9			In Propria Persona		
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		Creditor Na	- 2 - me: Weidman, III, Wm. F.		

1 Proof of Service 2 STATE OF MARYLAND, COUNTY OF HARFORD 3 I, Wm F. Weidman, III, declare as follows: 4 On January 15, 2022, I served the Notice of Appeal and Statement of Election on the Attorneys for Debtors and Reorganized Debtor by U.S. Express Mail by placing a copy thereof in an individual envelope addressed as shown below and depositing said envelope for collection and mailing on the aforesaid date by placement for deposit on the same day in the United States Postal Service. KELLER BENVENUTTI KIM LLP 8 Tobias S. Keller (#151445) Jane Kim (#298192) 9 650 California Street, Suite 1900 San Francisco, CA 94108 10 WEIL, GOTSHAL & MANGES LLP 11 Stephen Karotkin Jessica Liou 12 767 Fifth Avenue New York, NY 10153-0119 13 CRAVATH, SWAINE & MOORE LLP 14 Paul H. Zumbro George E. Zobitz 15 825 Eighth Avenue New York NY 10019 16 I declare under penalty of perjury under the laws of the State of 17 Maryland and the United States that the foregoing is true and correct and that this declaration was executed January 15, 2022, Benson, Maryland. 18 19 20 Weidman, III 21 22 23 24 25 26 27 28

Creditor Name: Weidman, III, Wm. F.

Office of the Clerk United States Bankruptcy Court Northern District of California

1/19/2022

William F. Weidman, III 108 Connolly Rd., #136 P.O. Box 136 Benson, MD 21018

Re:	Deficiency Letter - PG&E Corporation	on, Case #19-30088-DM, Chapter 11		
The Clerk's Office is unable to process your request for the following reason:				
\boxtimes	Personal checks, debtor checks and third party checks are not accepted. Cashier's checks or money orders are required. Alternatively, a payment may be made through the Pay.Gov website.			
\boxtimes	The check must be made payable to Clerk, U.S. Bankruptcy Court.			
	The amount of your check is incores.	rect. Please resubmit for the correct amount of		
	The check is not signed. Please sign and return back to the Court.			
\boxtimes	Fee Required in the amount of \$298.00 for the Notice of Appeal and Statement of Election.			
	Other:			
		Sincerely, Edward J. Emmons Clerk of Court By: <u>Da'Wana Chambers</u> Deputy Clerk, Da'Wana Chambers		
Enclos	sure(s)			

Case: 19-30088 Doc# 11839-1 Fileided 10102022 Enlettered 10102022408222234 Palgreg & 1706f120

Notice Recipients

District/Off: 0971-3 User: admin Date Created: 1/19/2022

Case: 19-30088 Form ID: pdfntc Total: 1

Recipients submitted to the Claims Agent (Prime Clerk): cr William F. Weidman, III 108 Connolly Rd., #136

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TOTAL: 1

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

In Re: PG& E Corporation and Pacific Gas and Electric Company

Bankruptcy Case No. 19-30088-DM

Chapter 11

COURT CERTIFICATE OF MAILING

I, the undersigned, a regularly appointed clerk of the United States Bankruptcy Court for the Northern District of California, served a copy of the foregoing document(s):

Notice of Appeal and Statement of Election- by William F. Weidman III- Dkt. #11835

Order Denying Motion Reconsideration- Dkt. #11706

That I, in the performance of my duties as such Clerk, served a copy of the foregoing document(s) on the date shown below:

Office of the U.S. Trustee / SF

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-and-

Weil, Gotshal & Manges LLP Stephen Karotkin Jessica Liou 767 Fifth Ave. New York, NY 10153-0119 -and-Cravath, Swaine & Moore LLP Paul H. Zumbro George E. Zobitz 825 Eighth Ave.

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Da'Wana L. Chambers

Date: January 20, 2022 Deputy Clerk